

REMARKS/ARGUMENTS

Claims 1, 7-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by new cited Harris (U.S. 6,842,461). Claims 5 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris. Claims 2-6, 11, 13-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of new cited Sinclair (U.S. Publication No.: 2003/0073461).

In response, the applicants have amended the claims to more clearly distinguish over the cited art and have reviewed the newly cited references in detail. We believe that the claims, as now amended, are patentably distinctive thereover for the reasons to be discussed hereinbelow.

The present invention relates to a method of communicating between a central location and a plurality of remote devices, some of which may not be able to receive broadcast messages from the central location. The determination as to which of those remote sites are not able to receive is determined by subtracting from the sum of all of the devices, the devices that sent an acknowledgement that they did receive the signal. Thus, a NAK (negative acknowledgement) is not relied upon since the devices do not hear the message cannot do anything, including NAK. A different mechanism (i.e. individual messages), is then used to address the non-responding devices.

In contrast, the Harris reference uses a NAK signal from the devices that provides a notice that a retransmission is required. He then uses a different channel, but the same mechanism, to communicate with those who have sent a NAK.

Referring now to the claims, claims 1, 10 and 15 recite a method or apparatus wherein (1) a test broadcast message is sent to all of the devices, (2) those receiving the message send an acknowledgment, (3) a determination is made as to which of the devices did not receive the message, (and then this is accomplished by subtracting from the total devices, those devices that sent an acknowledgement), and then (4) those that did not receive the test message are sent a message by other than broadcasting.

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As discussed hereinabove, this is substantially different from the apparatus and process as taught by Harris wherein, as shown in Figures 3 and 5, he relies on a NAK being received from those who are not able to receive the message. Thus, the Harris reference would not only teach or suggest the applicant's invention but would rather teach away from the applicant's invention.

For the reasons discussed hereinabove, neither of the cited references, taken individually or in combination show or suggest the invention as now claimed. A reconsideration of the Examiner's rejections and a passing of the case to issue is therefore respectfully requested.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 03-0835.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

By: 

Dana F. Bigelow
Reg. No. 26,441

DFB/cmh
Telephone: (315) 425-9000

Customer No.: 20874